

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

MICHAEL RUBIN, On Behalf of Himself  
and All Others Similarly Situated,

Plaintiff,

v.

ASB BANCORP, INC., SUZANNE S.  
DEFERIE, PATRICIA S. SMITH, JOHN B.  
GOULD, JOHN B. DICKSON, LESLIE D.  
GREEN, KENNETH E. HORNOWSKI,  
STEPHEN P. MILLER, LAWRENCE B.  
SEIDMAN, ALISON J. SMITH, WYATT S.  
STEVENS, and KENNETH J. WRENCH,

Defendants.

Case No. 1:17-cv-00185-GCM-DLH

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), plaintiff hereby voluntarily dismisses the above-captioned action (the "Action") without prejudice. Defendants have filed neither an answer nor a motion for summary judgment in the Action.

Dated: September 28, 2017

**WARD BLACK LAW**

By: /s/Janet Ward Black

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2017, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail address denoted on the attached Electronic Mail Notice List.

/s/Janet Ward Black  
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